

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

April 29, 1999

SUBJECT: Variance V 3-1-99

APPLICANT: Michael Udell, Esq., petitioner / Vietnamese Buddhist
Cultural Center of Florida, Inc., owner

ADDRESS/LOCATION: 5000 SW 82 Avenue / Generally located on the east side of
SW 82 Avenue approximately 3/4 mile north of Stirling Road

LAND USE PLAN/ZONING: Residential (5 du/ac) & Commercial / A-1 & B-2

REQUEST: **From:** Section 12-34 (DD) which requires a 2,500 foot separation between
houses of worship.
To: Reduce the required separation between houses of worship from 2,500
to 750 feet.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and
aerial.

ANALYSIS: The subject site is 3 acres in size and is currently vacant. The site is bound on
the north and south by vacant land zoned A-1, on the east by commercially developed
land zoned B-2, and by agricultural uses zoned A-1, across SW 82nd Avenue, to the west.

The applicant proposes rezoning of the property from the A-1, Agricultural District, and B-
2, Community Business District, to CF, Community Facilities District. The site, proposed
for development as a church or house of worship, is subject to the separation requirement
of 2,500 feet as specified in Section 12-34(DD) of the Town Code.

Where applicable, the review of a variance request should include consideration of the
criteria noted in Section 12-309 of the Land Development Code which is attached hereto
and made a part hereof.

In reviewing the distance separation requirements, one church site located on the west
side of SW 82nd Avenue is within 2,500 feet of the subject site. This site, owned by Alpha
Baptist Church, is approximately 5 acres in area with a 1,900 square foot building which
was previously utilized for church services and is currently used for church storage. The
owner has indicated that the property will be utilized for church services at some point in
the future.

Comprehensive Plan Policy 17-7 provides that land development regulations shall
establish setbacks or separation regulations to enhance living and working environments.
The separation requirements between houses of worship address this policy and are
intended to discourage the concentration of certain similar uses. Church use is compatible
with surrounding residential communities, however, a concentration of church uses may
be intrusive given the established semi-rural character of the area, and could be a deterrent

to the development of adjacent properties for residential use.

There are no special circumstances which apply to this property that do not generally apply to other properties in the same district. A reasonable use of the property is currently afforded under the existing development regulations; accordingly, the adopted locational limitations on houses of worship should be maintained.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **DENIAL** of the requested variance to reduce the required separation between houses of worship from 2,500 to 750 feet, with a finding that the variance is not consistent with the general intent and purpose of the Code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (5-0), April 14, 1999.

EXISTING ZONING: A-1
CODE SECTION:

PROPOSED ZONING: N/A
CODE SECTION:

LAND USE DESIGNATION: RESIDENTIAL

FOLIO NUMBER 50-41-33-01-0160

TOWN OF DAVIE USE ONLY

PETITION NO. V-3-1-99

FEE. \$930⁰⁰

RECEIPT NO. 7456

**TOWN OF DAVIE
VARIANCE APPLICATION**

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: March 5, 1999

PHONE: (954)680-5994 (counsel for owner)

PETITIONER: Khanh Minh Truong, Secretary, Director Treasurer and Agent
for Vietnamese Buddhist Cultural Center of Florida, Inc.

MAILING ADDRESS: 19361 NW 77th Court, Hialeah, Florida 33015 and

Michael B. Udell, Esquire, 5745 S University Drive, Davie
RELATIONSHIP TO PROPERTY: Truong is corporate officer, director and agent
for owner, Udell is counsel for owner

OWNER: Vietnamese Buddhist Cultural Center of Florida, Inc.

MAILING ADDRESS: c/o Michael B. Udell, Esquire, 5745 S. University Drive,
Davie, Florida 33328

ADDRESS OF PROPERTY: 5000 SW 82nd Avenue, Davie, Florida 33328

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement
of amount of acreage involved MUST be submitted with application):

FOR LEGAL DESCRIPTION SEESURVEY ATTACHED.

ACREAGE: Three (3) Acres

REQUEST: To allow the construction of a religious institution and cultural
center within 750 feet of an existing church-designated property

REASON FOR REQUEST: (attach additional sheet as necessary)

SEE ATTACHED

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: JAB

PUBLICATION DATE: 4/3/99

MEETING DATE: PLANNING AND ZONING BOARD: 4/14/99

TOWN COUNCIL: 5/5/99

NOTICES SENT: 12 REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

Khanh Minh Truong sec/tre/dir.
OWNER'S NAME(S)

KHANH MINH TRUONG, SECRETARY,
TREASURER AND DIRECTOR OF

OWNER'S SIGNATURE (ALL OWNERS MUST
SIGN)

VIETNAMESE BUDDHIST CULTURAL CENTER
OF FLORIDA, INC.

ADDRESS 19361 NW 77th Court
Hialeah, Florida 33015

CITY, STATE, ZIP

(305)829-7264

PHONE

The foregoing instrument was acknowledged before me
this 5 day of March, 1999, by
Khanh Minh Truong who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Helene J. Udell

Print: _____

My Commission Expires: _____



Khanh Minh Truong sec/tre/dir.
PETITIONER'S NAME

KHANH MINH TRUONG, SECRETARY,
TREASURER AND DIRECTOR OF

PETITIONER'S SIGNATURE

VIETNAMESE BUDDHIST CULTURAL CENTER
OF FLORIDA, INC.

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Khanh Minh Truong who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Helene J. Udell

Print: _____

My Commission Expires: _____



OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION:
04/14/99 - approval

OWNER'S NAME(S)

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

ADDRESS

CITY, STATE, ZIP

PHONE

The foregoing instrument was acknowledged before me
this _____ day of _____, 19____, by
_____ who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

My Commission Expires: _____

MICHAEL B. UDELL
PETITIONER'S NAME

PETITIONER'S SIGNATURE

5745 S. University Drive
ADDRESS

Davie, Florida 33328
CITY, STATE, ZIP

(954) 680-5994
PHONE FAX (954) 680-1510

The foregoing instrument was acknowledged before me
this Fri day of March, 1999, by
Michael U. Dell who is personally
known to me or who has produced DELO
U341054231260

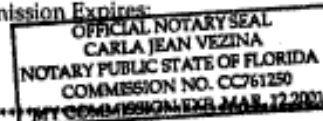
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Carla Jean Vezina

Print: CARLA JEAN VEZINA

My Commission Expires: _____




OFFICE USE ONLY

March 5, 1999

To: Town of Davie
From: Vietnamese Buddhist Cultural Center of Florida, Inc.
Re: Rezoning Application and Variance Application

Please be advised that Michael B. Udell, Esquire is authorized to represent the Vietnamese Buddhist Cultural Center of Florida, Inc., speak on behalf of the Corporation and act on behalf of the Corporation with regard to the Rezoning and Variance Applications already submitted and which may be submitted and any other processes and procedures required by the Town of Davie in regard to the Corporation's property located at 5000 SW 82nd Avenue, Davie, Florida.


KHANH M. TRUONG
SECRETARY, TREASURER AND
DIRECTOR
VIETNAMESE BUDDHISTCULTURAL
CENTER OF FLORIDA, INC.

Attachment to Town of Davie Variance Application-Vietnamese Buddhist Cultural Center of Florida, Inc.

REASON FOR REQUEST

The Town of Davie maintains that there is presently a property 750 feet to the southwest of the petitioner's property which is owned and was at one time operated as a church. The Town maintains that the facility to the southwest is not currently being utilized for church services. Petitioner seeks a variance reducing the required separation between churches and requests that this variance request be processed concurrently with petitioner's pending request for rezoning.

